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Dallas, TX 75380

EXAMINER

PEREZ, JULIO R

ART UNIT PAPER NUMBER

2681

DATE MAILED: 05/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/937,047

Applicant(s)

EKMAN ET AL

Examiner

Julio R Perez

Art Unit

2681

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 November 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 12-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 12-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date Z.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Objections

1. Claims 12 and 20 are objected to because of the following informalities:
Regarding claim 12, the word "all" in "conference all facility;" should be "call" in line 3.
The examiner is interpreting it as "conference call facility." Regarding claim 20, the word "hand-ff" should be "hand-off." Appropriate correction is required.

Claim Rejections - 35 USC § 112

2. Claims 13 and 18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 13 is indefinite because it depends from a cancelled claim 2.

Claim 18 is indefinite because it depends from a cancelled claim 1.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000.

Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4. Claims 12-22 are rejected under 35 U.S.C. 102(e) as being anticipated by Sayers et al. (6729929).

Regarding claims 12 and 19, Sayers et al. disclose a communications network and method comprising: a central controller which operates to control a zone of the network and which provides a conference call facility (col. 9, lines 42-55, the network comprises a controller to control functions inside the private network. It further, includes a controller within the public cellular system); at least one gateway engaged in a call with a mobile station via a first communication channel (col. 9, lines 58-67; col. 10, lines 1-3, both networks the private network and the private and the public wireless network contain cells within to facilitate call engagements; Furthermore, in the case of a moving mobile station, it is constantly in communication with a BSS; thus, a channel is engaged in communication); means for generating a hand-off required indication indicating that handover of the call is needed (col. 10, lines 4-10, the mobile station is continuously measuring signals of the base transceiver stations located within its own zone, to determine the base station with best signal provided and to be prepared for a handover); means at the central controller for receiving said hand-off required indication and opening a conference call channel as a second communication channel for the call; and means for handing over said call from the first to the second communication channels and, if the handover is successful, causing the first communication channel to be closed (col. 10, lines 11-58, it is inherent as evidenced by the fact that one of

ordinary skill in the art would have recognized that there is sufficient capacity in the cellular system between at least one switching center and switching center of another cellular system, in which a request for communication is performed per a handoff request).

Regarding claims 13, Sayers et al. disclose a network, which comprises a switched packet communication path by means of which the means for handing over, central controller and the gateway are connected (col. 10, lines 59-67; col. 11, lines 1-3, the private networks comprises packet data communications).

Regarding claims 14, 20, Sayers et al. disclose a network, wherein the gateway comprises packet generating means for generating a packet addressed to said means for handing over including control information comprising a candidate list of alternative cells to which the call could possible be transferred (col. 21, lines 45-64, the network includes a candidate list of the network cells for operating the functions of generating a packet address).

Regarding claims 15, 21, Sayers et al. disclose a network according to claim 12, wherein the gateway is operable to receive RF information from a mobile station, said RF information including call data, and to convert said RF information into a packet for transmission to the gatekeeper (col. 17, lines 52-65, the network is capable of converting RF signals).

Regarding claims 16, 22, Sayers et al. disclose a network, wherein the central controller is operable to multiplex the first and second communication channels, such that the call is conveyed simultaneously by both of said channels until the first

communication channel is closed (it is inherent as evidenced by the fact that one of ordinary skill in the art would have recognized that in the case of a cellular system, the system provides means for multiplexing several channels in order to handover from one to the other).

Regarding claims 17 Sayers et al. disclose a network, wherein the gatekeeper comprises means for selecting a target gateway based on the cells in the candidate list, and for causing said central controller to open the conference call channel to said selected target gateway as a second communication channel (col. 21, lines 45-67; col. 23, lines 24-36, the network may request a channel from a neighbor list, where many signals overlap and which are usually candidates for handovers).

Regarding claim 18, Sayers et al. disclose a network, which is an internal cellular communications network and which comprises an interface for connection to an external network which includes an external controller such that said call can comprise a first mobile station in the internal cellular communications network and a second mobile station in the external network (Fig. 3, ref. 11, 211; col. 8, lines 28-41; col. 9, lines 32-67, the private cellular network and the public cellular network may interconnect with each other).

Conclusion


5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following patents are cited to further show the art with respect to communications networks.

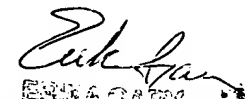
| | |
|---|--|
| US Pat. No. 5845211 to Roach Jr. | Wireless digital network |
| US Pat. No. 6243581 to Jawanda | Roaming between wireless communication networks |
| US pat. No. 6073015 to Berggren et al. | Services between a micro cellular network and a macro cellular network |
| US apt. No. 6510322 to Schlte-Kellinghaus | Cellular mobile networks |
| US pat. No. 6516193 to Salmela et al. | Services in a mobile communications system |

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Julio R Perez whose telephone number is (703) 305-8637. The examiner can normally be reached on Monday - Friday, 7:30AM-4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Erika Gary can be reached on (703) 308-0123. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


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5/7/04


EBCA 0471
PATENT EXAMINER